




# EXHIBIT A


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## BearLove Good. Cancer Bad

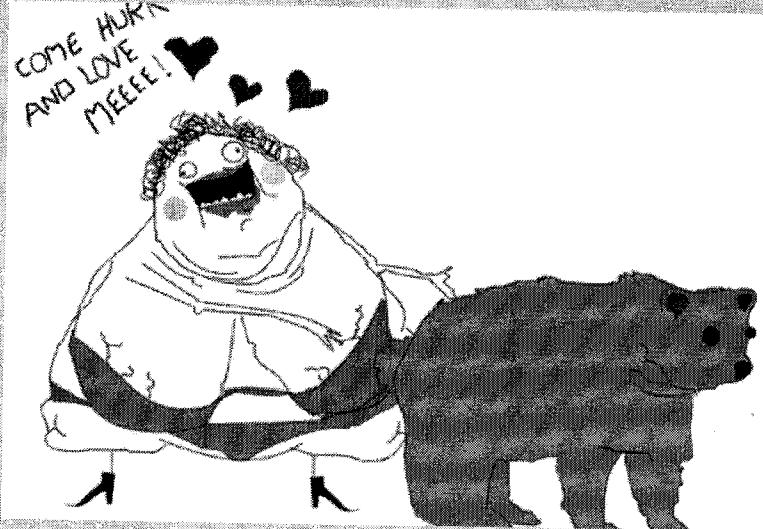
I'm trying to raise \$20k to donate half to the National Wildlife Federation (for the bears) and half to the American Cancer Society (because cancer is shitty)

Created by: 

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# \$170,812


Raised of \$20,000 Goal




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I run a comedy website called The Oatmeal.




Last year I wrote a blog post about another website called FunnyJunk which stole a bunch of my comics and hosted them on their website without giving me credit. They apparently didn't like my blog post and recently FunnyJunk sent me a letter stating that unless I pay them \$20,000 in damages they're going to file a federal lawsuit against me. You can view the letter along with my response [here](#).

Instead of mailing the owner of FunnyJunk the money, I'm going to send the above drawing of his mother. I'm going to try and raise \$20,000 and instead send it to the National Wildlife Federation and the American Cancer Society.


I'm hoping that philanthropy trumps douchebaggery and greed.

[More information here.](#)

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Created By:


 Matthew Inman  
 Dark Lord of Oats

Help make it happen for Matthew Inman! Contribute to BearLove Good. Cancer Bad

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Dear Love Giver, Cancer Day.

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## FunnyJunk is threatening to file a federal lawsuit against me unless I pay \$20,000 in damages

Remember FunnyJunk? Almost exactly a year ago I published a blog post about my comics being stolen, re-hosted, and monetized on FunnyJunk's website. The owner of the site responded and some of the comics were taken down. He still had a ton of my comics hosted without credit, but the energy it would take to get him to take them down wasn't worth it. I thought the issue was done and over with so I let him be.

A few days ago I was served papers informing me that the owner of FunnyJunk is going to file a federal lawsuit against me unless I pay him \$20,000 in damages. You can read the full letter here.

The owner of FunnyJunk hired Charles Carreon, a lawyer who became famous in the 90s after successfully litigating sex.com. Charles does a bit of modeling too, apparently.

I don't want to get tied up in courtroom nonsense. I don't want to pay more money to my lawyer. Don't you miss the days when I posted 2 comics a week, instead of writing rebuttals to Forbes and dealing with bullshit like this?

So do I.

I've annotated the letter below as well as outlined how I'm going to deal with this.



Charles Carreon, Attorney at Law

Telephone: [REDACTED]

Fax: [REDACTED]

June 2, 2012

Via Personal Service

Matthew Inman

Seattle, WA

Re: FunnyJunk - TheOatmeal.com - Defamation and False Advertising

Dear Mr. Inman:

I represent FunnyJunk, LLC. ("FunnyJunk"), a competitor of TheOatmeal.com in the field of online humor. I write to demand immediate removal of false statements about FunnyJunk from TheOatmeal.com, where you posted the following:

Here's how FunnyJunk.com's business operates:

1. Gather funny pictures from around the internet
2. Host them on FunnyJunk.com
3. Slather them in advertising
4. If someone claims copyright infringement, throw your hands up in the air and exclaim "It was our users who uploaded your photos! We had nothing to do with it! We're innocent!"
5. Cash six figure advertising checks from other artist's stolen material

(Attachment A.)

This is a false accusation of willful copyright infringement. FunnyJunk hosts only user-uploaded content pursuant to a rigorous DMCA policy that includes

termination as a sanction for repeat abusers. FunnyJunk takes immediate action on any DMCA notice it receives in the proper form. In addition to the above-quoted false statements, on the same webpage you say that FunnyJunk has "practically stolen my entire website and mirrored it on FunnyJunk." You illustrate this present-tense statement with a screencap that purports to be current, but in fact was taken long ago, and grossly misrepresents the current state of affairs. (Attachment A.)

↳ OH REALLY NOW?

What an adorable little fiction.

Here's a list of HUNDREDS of my comics that  
are STILL hosted on FunnyJunk.com  
(and have been for years)

Update: FunnyJunk removed all these links since I posted this list.

[http://www.funnyjunk.com/funny\\_pictures/1484220/Coffee+Intake/](http://www.funnyjunk.com/funny_pictures/1484220/Coffee+Intake/)  
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[http://www.funnyjunk.com/funny\\_pictures/1789115/Angry+Birds/](http://www.funnyjunk.com/funny_pictures/1789115/Angry+Birds/)  
[http://www.funnyjunk.com/funny\\_pictures/1801295/angry+birds/](http://www.funnyjunk.com/funny_pictures/1801295/angry+birds/)  
[http://www.funnyjunk.com/funny\\_pictures/1871931/Angry+Birds/](http://www.funnyjunk.com/funny_pictures/1871931/Angry+Birds/)  
[http://www.funnyjunk.com/funny\\_pictures/2149249/Angry+Birds+likability/](http://www.funnyjunk.com/funny_pictures/2149249/Angry+Birds+likability/)  
[http://www.funnyjunk.com/funny\\_pictures/1929606/How+not+to+sell+something/](http://www.funnyjunk.com/funny_pictures/1929606/How+not+to+sell+something/)  
[http://www.funnyjunk.com/funny\\_pictures/1782047/Sriracha+Rooster+Sauce/](http://www.funnyjunk.com/funny_pictures/1782047/Sriracha+Rooster+Sauce/)  
[http://www.funnyjunk.com/funny\\_pictures/2008229/How+to+Fix+your+computer/](http://www.funnyjunk.com/funny_pictures/2008229/How+to+Fix+your+computer/)  
[http://www.funnyjunk.com/funny\\_pictures/2005678/How+to+Fix+Your+Computer/](http://www.funnyjunk.com/funny_pictures/2005678/How+to+Fix+Your+Computer/)  
[http://www.funnyjunk.com/funny\\_pictures/2123136/Help+You+Move+Out/](http://www.funnyjunk.com/funny_pictures/2123136/Help+You+Move+Out/)  
[http://www.funnyjunk.com/funny\\_pictures/2140129/god+before+rapture/](http://www.funnyjunk.com/funny_pictures/2140129/god+before+rapture/)  
[http://www.funnyjunk.com/funny\\_pictures/2294590/Pres/](http://www.funnyjunk.com/funny_pictures/2294590/Pres/)  
[http://www.funnyjunk.com/funny\\_pictures/2009728/What/](http://www.funnyjunk.com/funny_pictures/2009728/What/)  
[http://www.funnyjunk.com/funny\\_pictures/3305286/lipster+and+Hammer+Pants/](http://www.funnyjunk.com/funny_pictures/3305286/lipster+and+Hammer+Pants/)  
[http://www.funnyjunk.com/funny\\_pictures/2744524/](http://www.funnyjunk.com/funny_pictures/2744524/)

Below this barrage of false statements, you posted a series of hyperlinks with this false statement as an introduction: "There's still hundreds of C&H comics hosted on FunnyJunk.com, as well as thousands from other artists...." Clicking on those hyperlinks turns up a null result in every case. (Attachment B.)

You realize that's how the editorial process works, right? Bloggers and journalists write down words and ideas. When the world changes, writers aren't required to go back and edit all those words and ideas.

Don't you think it'd be a bit odd if we edited newspapers from 1863 to read:

—ABRAHAM LINCOLN SIGNS THE EMANCIPATION PROCLAMATION.  
—PRESIDENT OBAMA

# THE INTERNET IS AN ARCHIVE, IDIOT.

However, that string of apparently useless hyperlinks put the phrase "funnyjunk" into the source code for the page twenty-eight (28) times (Attachment C), thus causing TheOatmeal.com to come up whenever "funnyjunk" is punched into the Google search engine. (Attachment D.) The Alexa stats for TheOatmeal.com are equally revealing, showing that the "Query Popularity" of "funnyjunk" is 42, nearly as popular as "oatmeal" itself, at 44. (Attachment E.) Given your background in SEO, you clearly intended this result. (Attachment F.)

Do you actually believe that if I repeat a word a bunch of times on a web page it'll show up first in Google's search results?

So If I put "porn porn porn porn porn porn porn porn porn" in my website. I would rank number one for "porn" at Google? SHIT YES! I'm switching careers.

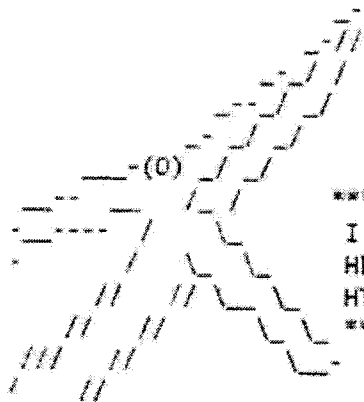
COMING SOON: THEPORNMEAL.COM!

Rankings in Google are determined by the amount of activity and links a page receives on the internet. I rank highly for "FunnyJunk" because a bunch of news sources wrote about my blog post after I published it.

This is not a factor I can control.

Maybe you should go file lawsuits against everyone on reddit who upvoted the post, or everyone on Facebook who clicked "like this."

Your false statements, recorded in Attachment A, accuse FunnyJunk of engaging in willful copyright infringement for commercial advantage and financial gain, a federal felony. 17 U.S.C. § 506(a)(1)(A) and 18 U.S.C. § 2319(b). Your false statements injured FunnyJunk in its trade, business or profession. Your false statements were made with the explicit, malicious purpose you announced in the source code of the webpage, screencaptured on page 2 of Attachment B, and



\*\*\*\*\*  
I AM A MOTHERFUCKING PTERODACTYL!  
HERE TO PTERD-YOU A NEW ASSHOLE  
HTTP://PTERODACTYL.ME  
\*\*\*\*\*

## SERIOUSLY?!

You're suggesting that a picture of a DINOSAUR which is inside EVERY PAGE of The Oatmeal and HAS BEEN since 2009 is proof that I'm attacking FunnyJunk?

Was the pterodactyl comic which I published

TWO YEARS before I wrote about you part of  
the attack as well? And the music video?

NICE EVIDENCE, JACKASS.  
YOUR LAWYER = A+

By maliciously accusing FunnyJunk of criminal conduct to injure its business reputation, you exposed yourself to a lawsuit for defamation *per se*, in which damages are presumed. *Albert v. Loksen*, 239 F.3d 256, 272 (2<sup>nd</sup> Cir. 2001).


By publishing false statements about FunnyJunk to gain publicity, popularize TheOatmeal.com, and injure FunnyJunk's reputation in the marketplace, you engaged in false advertising in violation of the Lanham Trademark Act, 15 U.S.C. §1125(a)(B). FunnyJunk is therefore entitled to file a federal lawsuit against you for injunctive relief to compel the removal of the false statements from TheOatmeal.com. *McNeil-PCC, Inc. v. Bristol-Meyers Squibb Co.*, 938 F.2d 1544, 1549 (2<sup>nd</sup> Cir., 1991). FunnyJunk may also sue for enhanced damages and recovery of its attorneys fees under 15 U.S.C. §1117. *U-Haul Int. v. Jartran, Inc.*, 793 F.2d 1034, 1042 - 1043 (9<sup>th</sup> Cir. 1986) (upholding award of double damages and attorneys fees under Sec. 1117 to unregistered markholder in action for false advertising). In a Lanham Act lawsuit, both judge and jury will presume that your false statements deceived Internet users. *Southland Sod Farms v. Stover Seed Co.*, 108 F.3d 1134, 1146 (9<sup>th</sup> Cir. 1997).

Accordingly, demand is hereby made upon you to perform the following remedial acts on or before June 12, 2012:

- Remove all mention of FunnyJunk and FunnyJunk.com from TheOatmeal.com from your website and any other website over which you have control.
- Deliver to me a check in the amount of \$20,000 payable to the order of FunnyJunk, LLC.

I look forward to your prompt response.

Very truly yours,

  
Charles Carreon  
2012.06.02  
17:13:44 -07'00'

This is a joke, right?

You want ME to pay YOU

\$20,000 for hosting MY unlicensed comics  
on YOUR shitty website for the past three years?

No, I've got a better idea.

1. I'm going to try and raise \$20,000 in donations.

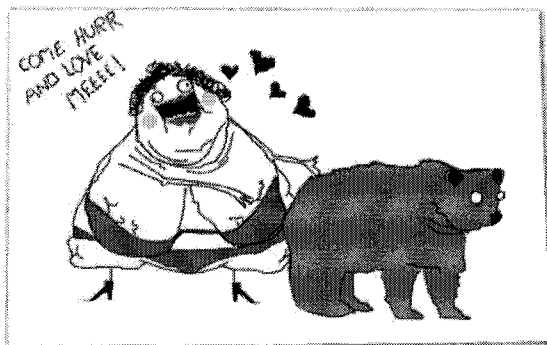


DONATIONS

2. I'm going to take a photo of the raised money



3. I'm going to mail you that photo, along with this drawing of your mom seducing a Kodiak bear.



4. I'm going to take the money and donate one half to the National Wildlife Federation and the other half to the American Cancer Society.

FunnyJunk:

I don't want to write retorts like this anymore.

I don't want to spend the next year tied up in  
legal bullshit with you.

I just want to make comics.

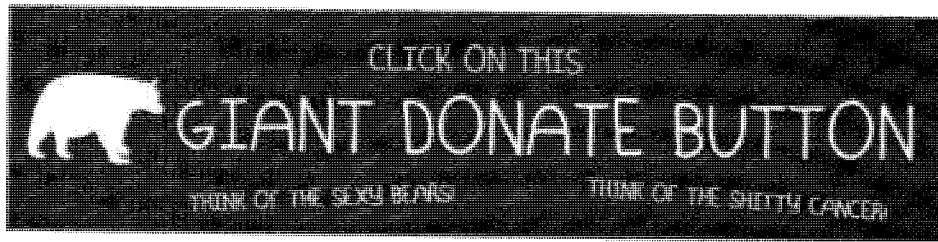
Consider this my philanthropic, kind-spirited  
way of saying:

Fuck off.

OPERATION

DEADLINE FOR CANCER DON

BEARLOVE GOOD. CANCER BAD.  
NOW COMMENCING!



and 1768 others liked this.

DISCUSS

Add New Comment

Type your comment here

Real-time updating is paused

Showing 20 of 2743 comments

Sort by popular now

Nicole

Can I upload this to funnyjunk?

Language: ENGLISH

Like Dislike

Dan Cullen

I want to carpet bomb the shit out of FJ with this letter

Language: ENGLISH

Like Dislike

Anonymous

if we show them this, they will instantly go bananas on FJ

- that would be more effective

Language: ENGLISH

Like Dislike

Anon

we are not your personal army bitch now fuck off

- that would be more effective

Language: ENGLISH

Like Dislike

Anon

we are not your personal army bitch now fuck off

Language: ENGLISH

Like Dislike

**Jason Betch**

In this case, yes you are. And get cracking. A teacher's room needs tear down!

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**anon**

It's not exactly difficult to post as "anon". There I did it, whew... I feel all hacky n' stuff.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Saxon**

Not all saying anons are the fight club of the internet. Fight club is an exercise of how the hacker is able to define himself as an individual through the use of violence because he creates his own system that he becomes alone to with project mayhem etc. Saying you are the fight club of the internet is like saying you're the mindless drones of the internet. Actually you're right, that's fairly accurate.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Axel Shah**

If you truly were anon you wouldn't be here saying that you're anon and don't mess with "us" sounding like a 12 year old gangster.

real anons got better things to do

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Philips**

Boys (and possibly girls), you're all peppy. Now shut up and donate.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**David**

anon are a bunch of pussy doggy wannabe hackers who can't even use L0P0 properly. gg

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Bottom10**

Dude, don't fuck with the Anons.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**David**

anon are a bunch of pussy doggy wannabe hackers who can't even use L0P0 properly. gg

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Bottom10**

Dude, don't fuck with the Anons.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**JustEric**

Anon = downshoes.

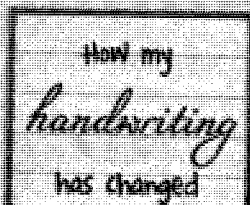
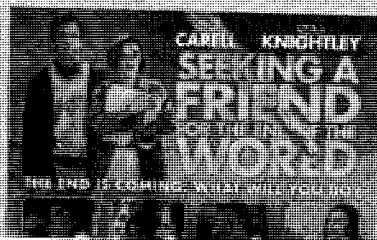
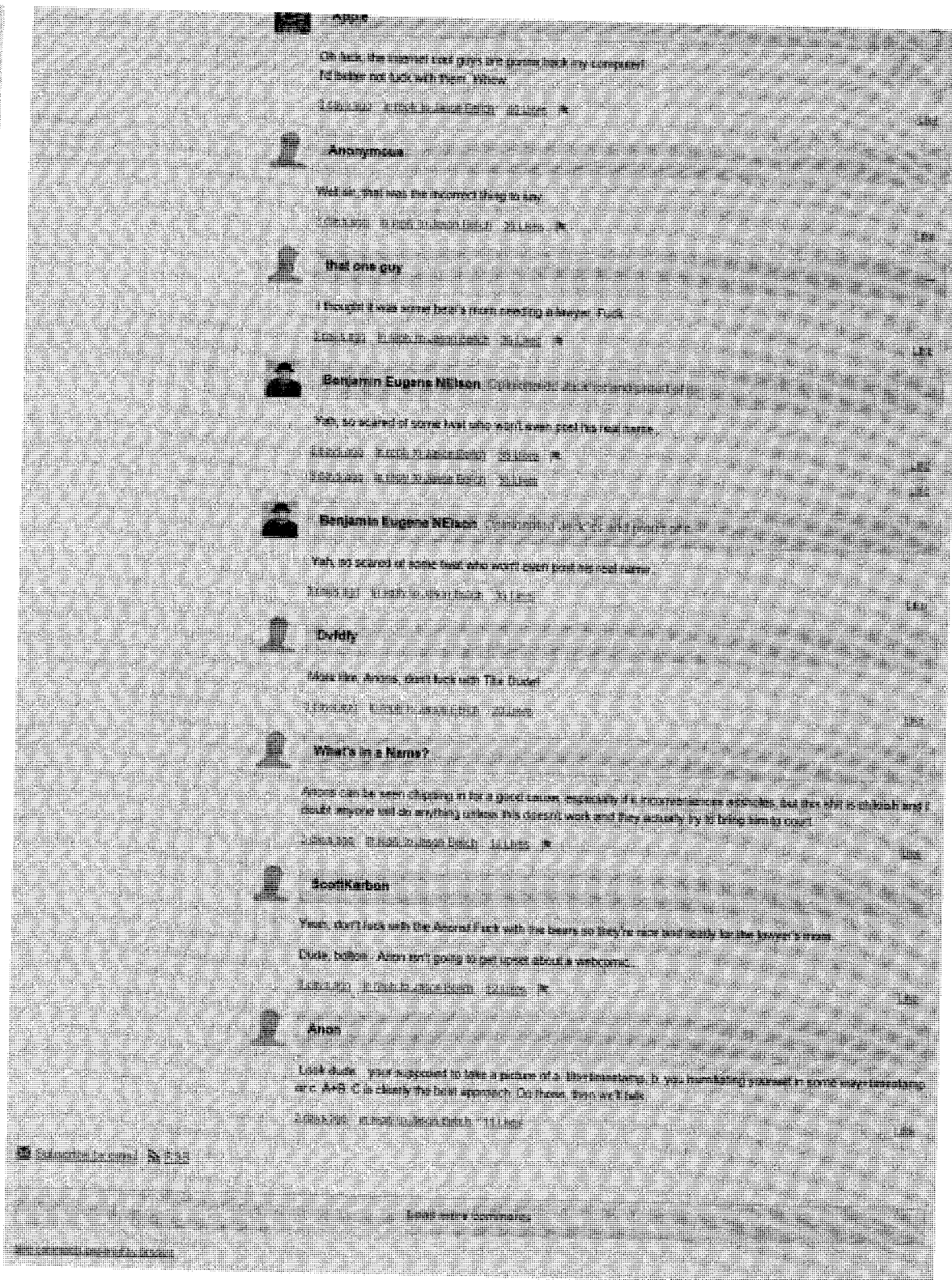
It would be more effective to sit a classroom of kindergartners on FJ. More efficient, and less pants-pooing and boogey-acting.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)

**Apple**

It would be more effective to sit a classroom of kindergartners on FJ. More efficient, and less pants-pooing and boogey-acting.

1 day ago · in reply to Jason Betch · 10 Likes · [Like](#)



CLICK TO CHOOSE  
THE END IS COMING IN 7 DAYS

Since Kindergarten

**PUNCHLINE ALIENS**  
LoL!

What I want from a restaurant website

How Twilight Works

The Motherfucking Pterodactyl  
Sing along video!

Newest stuff from The Oatmeal Shop

Wookiee Jesus - Signed Print  
  
[View Item >>](#)

I ♥ Tesla Buttons  
  
[View Item >>](#)

Sriracha Flamethrower Grizzly - Signed Print  
  
[View Item >>](#)

Tesla > Edison Shirt  
  
[View Item >>](#)

Facebook Panda - Greeting Card  
  
[View Item >>](#)

There's a duck in my coffee - signed print  
  
[View Item >>](#)

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TheOatmeal.com was lovingly built using CakePHP.